

REMARKS/ARGUMENTS

Claims 1-4, 7-11, 14-17 and 27-31 are pending in the application. Claims 5-6, 12-13 and 18-26 have been canceled without prejudice to subsequent revival. Entry of the amendment, reconsideration of the rejection, and allowance of claims 1-4, 7-11, 14-17 and 27-31 are requested.

This supplemental amendment is accompanied by the filing of a *Request for Continued Examination (RCE)* under 37 C.F.R. §1.114. The Applicants respectfully request that the Examiner enter the Amendment filed on June 23, 2004.

The Advisory Action

The advisory action indicates that the previously proposed amendment to claims 1, 8 and 17 *will not be entered* because it allegedly changes the scope of the filter pore size which would require further reconsideration regarding new matter and prior art. Further, the advisory action indicates that claims 1, 8 and 17 and all depending claims would be rejected under 35 U.S.C. §112, first paragraph, for allegedly introducing new matter into the claims. The Examiner asserts that Applicants' proposed amendment to a filter range of between 0.1 to 0.5 microns is not disclosed; and further that the proposed change in filter size requires further consideration regarding prior art. Thus, the rejection of claims 1-4, 7-11, 14-17 and 27-31 under 35 U.S.C. §103(a) as being allegedly unpatentable over Dubensky Jr. *et al.* (USPN 5,789,245) in view of Yu *et al.* (Vaccine (1997) 15(12/13):1396-1404) is maintained.

The rejection is respectfully traversed.

The Applicants respectfully disagree with the assertion that a pore size "between 0.1 and 0.5 microns" would require further consideration regarding prior art. A prior art search that includes a pore size of "between about 0.1 and about 0.5 microns" would naturally encompass the range of a pore size of "between 0.1 and 0.5 microns". In addition, the range of a pore size of "between 0.1 and 0.5 microns" is inherently disclosed in the specification. Thus, it is respectfully requested that the Examiner enter the amendment presented on June 23, 2004 and withdraw the rejections.

Appl. No. 10/006,671
Amdt. dated August 23, 2004
Supplemental Amendment under 37 CFR 1.116 Expedited
Procedure Examining Group

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brigitte A. Hajos', written over a horizontal line.

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